

The opinion in support of the decision being entered today was not written for publication
and is not binding precedent of the Board.

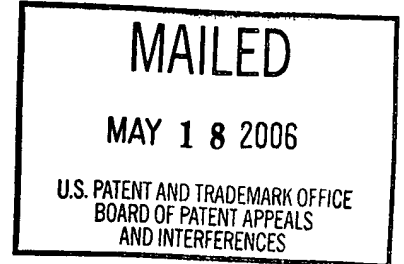
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: THOMPSON M. SLOANE, PAUL M. NAJT,
WILLIAM R. LEPPARD and JAMES A. ENG

Application No. 10/602,938

ORDER RETURNING UNDOCKETED APPEAL



This application was received at the Board of Patent Appeals and Interferences on
March 30, 2006. A review of the application has revealed that the application is not ready for
docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner.
The matter requiring attention prior to docketing is identified below.

INFORMATION DISCLOSURE STATEMENT

Appellant filed an Information Disclosure Statement (IDS) dated January 24, 2005. There
is no indication on the record that the Information Disclosure Statement was considered by the

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Examiner. A written communication notifying appellant of the Examiner's consideration is required.

EXAMINER'S ANSWER

On July 25, 2005, an Examiner's Answer was mailed, responding to the Appeal Brief filed April 21, 2005. The Examiner's Answer reveals it is not in compliance with the headings, specifically the identification of the References Relied Upon .

See MPEP §1207.03 which states:

(8) Evidence Relied Upon

A listing of evidence relied on (e.g., patents, publications, admitted prior art), and in the case of non-patent references, the relevant page or pages.

A review of the Examiner's Answer reveals that the following references used in the rejection were not cited in the Examiner's Answer, they include Britton (6,314,925), Dickey (5,832,880), Bomberg (5,409,784), Ethington (4,690,743) and Lowther (4,965,052). Correction of the record is required.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the examiner to:

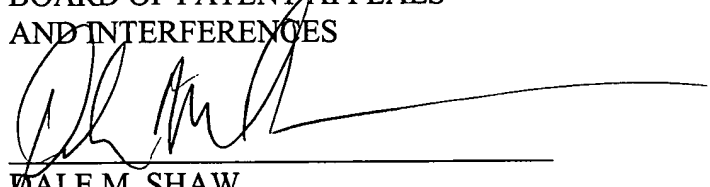
1) consideration and proper written response to the Information Disclosure Statement filed July 18, 2005;

2) to notify appellants of such consideration;

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- 3) to vacate the Examiner's Answer mailed July 25, 2005,
- 4) issue a revised Examiner's Answer identifying all required headings in accordance with the new rules effective September 13, 2004; and
- 5) for any further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

A handwritten signature in black ink, appearing to read 'Dale M. Shaw', is written over a horizontal line.

DALE M. SHAW
Deputy Chief Appeal Administrator
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DMS/dpv

Application No. 10/602,938

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